IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

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) Case No. 3:10-cv-1089
Judge Trauger
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ORDER

For the reasons expressed in the accompanying Memorandum, the defendant's Motion for Summary Judgment (Docket No. 37) is **GRANTED** in part and **DENIED** in part. The defendant's motion for summary judgment as to the plaintiff's fraudulent misrepresentation and Tennessee Consumer Protection Act claims is **GRANTED** and those claims will be **DISMISSED**. In addition, the defendant's motion for summary judgment as to its breach of contract counterclaim is also **GRANTED**. The defendant's motion for summary judgment as to the plaintiff's breach of contract claim is **DENIED**.

Pursuant to Federal Rule of Civil Procedure 56(f)(1), the defendant has until May 18, 2012 to show cause why the court should not grant summary judgment to the plaintiff on his claim for breach of contract.

The plaintiff will file, by May 18, 2012, a Notice of Filing providing a brief description of each of the exhibits attached to the Declaration of Gary Carrigan (Docket No. 49) to remedy the filing deficiency identified by the court in the accompanying Memorandum.

It is so ordered.

Enter this 10th day of May 2012.

ALETA A. TRAUGER
United States District Judge